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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,962	06/13/2001	Roger Michel Helene Bergs	0142-0355P	3480
2292 7590 06/19/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER TRUONG, LECHI	
			ART UNIT 2194	PAPER NUMBER
			NOTIFICATION DATE 06/19/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

09/878,962

Applicant(s)

BERGS ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2, 4-22, 24-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### DETAILED ACTION

1. Claims 1, 2, 4-22, 24-43 are presented for examination. Claims 3, 23 are canceled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 8-22, 24-25, 30-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Motamed et al (US 7,081,969 B1) and further in view of DeHority (US. Patent 5,129,639).
3. As to claim 1, Leiman teaches the invention substantially as claimed including: at least two processing devices (production printer, col 2, ln 23-42/ multiple printer, Fig.3), a network (network LAN, Fig. 3), receiving (receiving, col 2, ln 27-30), a definition of a job (printer jobs, col 2, ln 27-30/ job queue option/ a job queue status table, col 7, ln 35-67/ col 8, ln 1-16), a user (the operator, col 7, ln 34-40/ col 8, ln 1-18), automatically (automatically, col 8, ln 20-21/ col 10, ln 23-25), checking whether all processing devices belonging to predetermined set selecting from the plurality of processing devices are suitable for performing the job(col 8, ln 1-10 and ln 12-16), predetermined set ( a matching set-up, col 8, ln 18-21/a sep-up compatible, col 2, ln 28-40), selection of device( col 8, ln 20-21 and ln 62-65), an indication( indicate, col 7, ln 1-15, col

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8, ln 10-18), transmitting at least a part of the job to the selected processing device( sending a selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments , col 10, ln 1-5).

4. Leiman does not explicitly teach “if a processing device among the processing devices belonging to the set is not suitable for performing the job, selecting a processing device out of all processing devices belonging to the set”. However, Motamed teaches “ If a processing device among the processing devices belonging to the set is not suitable for performing the job, selecting a processing device out of all processing devices belonging to the set” (within a cluster of printers a user may set for automatic rerouting of a print job to another printer if the first selected printer is unable to perform a print job, col 3, ln 35-38/ the user can specify the maximum number of printer the job will go to within a group [set], col 3, ln 65-67/ selecting a plurality of printers from the second printer list to create a third printer list[predetermined set], col 5, ln 31-35/ for determining to which of the printers in the third printer list the printer job is to be transmitted, col 6, ln 1-4).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Leiman to incorporate the feature of “if a processing device among the processing devices belonging to the set is not suitable for performing the job, selecting a processing device out of all processing devices belonging to the set” because this allows the total time to complete a single print job can be reduced.

6. Leiman and Motamed do not explicitly teach a reason for this is indicated via the presentation means, wherein a processing device not suitable for the job is selectable to become the selected processing device. However, DeHority teaches a reason for this is indicated via the

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presentation means (the use is informed of the failure and can be informed about the reason for the failure (col 1, ln 25-28/ If the mismatch found then the operator timer is set to, for example, five minutes, the operator is notified and supplied with an indication of the type of mismatches, col 5, ln 55-60), wherein a processing device not suitable for the job is selectable to become the selected processing device (determining 42 whether there is a stapling mismatch. If stapling mismatch exists, the document requirements for stapling are corrected to provide the best match between the job requirements and the printer capability, col 3, ln 59-65/ col 4, ln 15-25/ If the job has not been printed because the print job requirements can not be met by the printer... in many case, the user would have accepted a mismatch to his printing requirements and would have continued the printing job rather than stopping the job all together, col 1, ln 37-40).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leiman, Motamed and DeHority because DeHority's wherein a processing device not suitable for the job is selectable to become said selection would improve the efficiency and flexibility of Leiman and Motamed's systems by allowing the user to indicate to the printer that the closed match to the print job requirements should be used rather than rejecting the job completely.

8. **As to claim 2**, Leiman teaches printing devices (multiple printers, Fig.3).

9. **As to claim 4**, Leiman teaches selected by the user (GUI, ln 10-15).

10. **As to claim 8**, Leiman teaches the selected processing device (a printer having a matching set-up, col 8, ln 20-22).

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11. **As to claim 9**, Leiman teaches the job is passed to the selected processing device (sending a selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments, col 10, ln 1-5).
12. **As to claim 10**, Leimen teaches confirmation of the selection is received from the user of system (col 8, ln 7-9 / ln 14-19).
13. **As to claim 11**, Leimen teaches a prediction (selecting, col 8, ln 5-10), a change from the predicted selection ... from the user (col 7, ln 35-67).
14. **As to claims 12, 13, 14, 15, 16**, Leimen teaches the criterion are a processing property of the processing device, a distance, availability of processing device, the processing cost, a previously indicated (Fig. 18).
15. **As to claim 17**, Leiman teaches indication via the presentation means separately (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).
16. **As to claim 18**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Leiman teaches indicate (indicates if, col 8, ln 14-16), a reason (the printer set-up does not match the printer job set-up, ln 12-13).
17. **As to claim 19**, Leiman teaches the reason (the status, col 7, ln 5-15), the processing device (device, col 7, ln 5-15), a user (a graphic user interface, col 7, ln 5-15).
18. **As to claims 20-22, 24**, they are apparatus claims of claims 2, 1, 4; therefore, they are rejected for the same reasons as claims 2, 1, 4 above.

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19. **As to claim 25**, Leimen teaches allocation means are controllable by a user (printing including controlling the printing of print jobs on high-speed production printer through graphical user interface, col 2, ln 23-27).
20. **As to claims 30, 31, 33**, they are apparatus claims of claims 11-16, 9; therefore, they are rejected for the same reasons as claims 11-16, 9 above.
21. **As to claim 32**, Leimen teaches user (GUI, col 7, ln 1), the selection (selecting, col 8, ln 5-15).
22. **As to claim 34**, Leimen teaches second indicating ... processing device belonging to the set is suitable for performing the job (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).
23. **As to claim 35**, it is an apparatus claim of claims 1 and 18; therefore, it is rejected for the same reasons as claims 1 and 18 above.
24. **As to claims 36, 37, 38, 39**, they are an apparatus claims of claims 24, 2, 1, 18; therefore, they are rejected for the same reasons claims 24, 2, 1, 18 above.
23. **As to claim 40**, DeHority teaches the defined job becomes selectable by the user to perform the defined job, after the indicating step (If the job has not been printed because the print job requirements can not be met by the printer... in many case, the user would have accepted a mismatch to his printing requirements and would have continued the printing job rather than stopping the job all together, col 1, ln 37-40).
24. **As to claims 41-42**, they are apparatus claims of claim 42; therefore, they are rejected for the same reason as claim 42 above.

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25. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Motamed et al (US 7,081,969 B1), in view of DeHority (US. Patent 5,129,639), as applied to claim 1 above, and further in view of Beck (US. Patent 6,275,299 B1).

26. As to claim 43, Leiman, Motamed and DeHoity do not teach an inkjet Printer. However Beck teaches inkjet Printer (the printer 24 may be an inkjet printer, col 3, and ln 41-43).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leiman, Motamed, DeHority and Beck because Beck's inkjet printer would improve the efficiency of Leinman, Motamed, DeHority's systems by providing the printer with capable of producing color printer.

28. Claims 5-7, 26- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Motamed et al (US 7,081,969 B1) in view of DeHority (US. Patent 5,129,639), as applied to claim 1 above, and further in view of Admitted prior Art (APA).

29. As to claim 5, Leimen, DeHority and Motamed do not explicit teach a part of job that presented to the user. However, APA teaches a part of job that presented to the user (a job ticket content required setting, page 1, ln 10-22).



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30. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leimen, DeHority, Motamed and APA because APA's job ticket content required setting would improve the efficiency of Leimen, DeHority and Motamed's systems by providing an order for processing information.

31. As to claim 6, APA teaches the job setting (page 1, ln 10-22).

32. As to claim 7, Leimen teaches the user simultaneously ... via the presentation (the operation may select a Job Queue option 156 from a view menu 158, col 7, ln 33-40).

33. As to claim 26, APA a part of job (a job ticket content required setting, page 1, ln 10-22).

34. As to claim 27, it is apparatus claim of claim 6; therefore, it is rejected for the same reason as claim 6 above.

35. As to claim 28, Leimen teaches the presentation (GUI, Fig. 6-8).

36. As to claim 29, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

November 9, 2006

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER